

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

INTERVIEW SUMMARY

Applicant's representative (Todd J. Roberts, Reg. No. 64,007) and Examiner Charles Hicks held a telephone interview on June 9, 2010. Applicant's representative brought to the Examiner's attention that the art does not appear to teach or suggest a transmodulator that generates a second encoded data signal in response to both a first encoded data signal and information embedded in a baseband video signal where the first encoded data signal is not compliant with a legacy receiver and the second encoded data signal is compliant with the legacy receiver. Proposed amendments to the claims were also discussed. An agreement was reached that the proposed amendments, if filed along with the next response, should overcome the rejections of record. Examiner Hicks agreed that a new search would be performed. The present amendment incorporates the proposals discussed.

SUPPORT FOR CLAIM AMENDMENTS

Support for the claim amendments may be found on page 4, line 17 to page 5, line 4, page 8, lines 5-6, page 8, line 20 to page 9, line 1, page 9, lines 10-20, page 18, lines 15-16, page 19,

lines 3-9 and FIG. 1 of the specification as filed. Thus, no new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1-4, 9-12, 14-17, and 21-22 under 35 U.S.C. §103 as being unpatentable over Stewart (U.S. Patent Pub 2004/0252243 A1; hereinafter, Stewart), in view of Nazarathy (U.S. Patent No. 6,490,727 B1; hereinafter, Nazarathy), in further view of Hoarty (U.S. Patent Pub 2003/0140351 A1; hereinafter Hoarty), in further view of Hollar (U.S. Patent Pub. 2005/0135614 A1; hereinafter Hollar) is traversed in part and has been obviated in part by amendment and should be withdrawn.

The rejection of claims 14-16, and 22 under 35 U.S.C. §103 as being unpatentable over Hollar in view of Hoarty is traversed in part and has been obviated in part by amendment and should be withdrawn.

The rejection of claims 17 and 21 under 35 U.S.C. §103 as being unpatentable over Hollar, in view of Hoarty, in further view of Stewart is traversed in part and has been obviated in part by amendment and should be withdrawn.

The rejection of claims 5-8, and 18-20 under 35 U.S.C. §103 as being unpatentable over Stewart, in view of Nazarathy, in further view of Hoarty, in further view of Rakib (U.S. Patent Pub

2004/0181800 A1; hereinafter Rakib) is traversed in part and has been obviated in part by amendment and should be withdrawn.

The rejection of claim 13 under 35 U.S.C. §103 as being unpatentable over Hollar, in view of Hoarty is traversed in part and has been obviated in part by amendment and should be withdrawn.

Stewart teaches a television signal receiver system (title). Nazarathy teaches a distributed termination system for two-way hybrid networks (title). Hoarty teaches a cable television system compatible bandwidth upgrade using embedded digital channels (title). Hollar teaches a method and apparatus for enhanced audio/video services with two watermarks (title). Rakib teaches a thin DOCSIS in-band management for interactive HFC service delivery (title).

In contrast, the claim 1 of the present invention provides for an apparatus comprising a transmodulator unit. The transmodulator unit may comprise (i) a first input configured to receive a baseband video signal, (ii) a second input configured to receive a first encoded data signal and (iii) an output configured to present a second encoded data signal to a legacy receiver. The second encoded data signal may be generated in response to both the first encoded data signal and the baseband video signal. The first encoded data signal may comprise an advanced data signal that is not compliant with the legacy receiver. The second encoded data signal may comprise the first encoded data signal converted to a

legacy data signal that is compliant with the legacy receiver. The baseband video signal may comprise information generated by the legacy receiver and the information may be used to program the transmodulator unit to convert the first encoded data signal to the second encoded data signal. The references, alone or in combination, do not teach or suggest each of these elements. Claims 13 and 14 contain similar limitations. As a result, claims 1, 13 and 14 are fully patentable and the rejection should be withdrawn.

In particular, claim 1 provides that the second encoded data signal may be generated in response to both the first encoded data signal and the baseband video signal. Stewart is silent concerning a second encoded data signal generated in response to both the first encoded data signal and the baseband video signal, as presently claimed. At best, Stewart appears to teach a system to optimally tune a plurality of television channels. Nazarathy does not cure the deficiencies of Stewart. Nazarathy is silent concerning a second encoded data signal that may be generated in response to both the first encoded data signal and the baseband video signal, as presently claimed. At best, Nazarathy teaches transferring information in a baseband signal. Hoarty does not cure the deficiencies of Stewart and Nazarathy.

Hollar does not cure the deficiencies of Stewart, Nazarathy, and Hoarty. At best, Hollar teaches data being received

by a set top box from a content provider and a flag being set to allow or disallow recording of the data. Hollar is silent concerning the data received being a baseband signal. Furthermore, Hollar does not appear to teach the set top box generating a second encoded data signal in response to both a first encoded data signal and a baseband video signal, as presently claimed. Rather, Hollar appears to teach the set top box receiving two pieces of information from a content provider and either passing one or both pieces of information to a recorder. Hollar does not teach or suggest a second encoded data signal being generated in response to both a first encoded data signal and a baseband video signal, as presently claimed. The references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Claims 13 and 14 contain similar limitations. As a result, claims 1, 13 and 14 are fully patentable and the rejection should be withdrawn.

Claim 1 also provides that the baseband video signal may comprise information generated by the legacy receiver. Stewart is silent concerning a baseband video signal generated by a legacy receiver, as presently claimed. Nazarathy does not cure the deficiencies of Stewart. At best, Nazarathy teaches transferring information in a baseband signal. Nazarathy is silent concerning the baseband video signal comprising information being generated by a legacy receiver, as presently claimed. Hoarty does not cure the deficiencies of Stewart and Nazarathy. At best, Hoarty teaches

embedding information in preexisting channels. Hoarty does not appear to teach a baseband signal comprising information generated by a legacy receiver, as presently claimed.

Hollar does not cure the deficiencies of Stewart, Nazarathy, and Hoarty. At best, Hollar teaches data being received by a set top box from a content provider and a flag being set to allow or disallow recording of the data. Hollar is silent concerning the data received being a baseband signal. Furthermore, Hollar does not appear to teach the set top box generating any information. Rather, Hollar appears to teach the set top box receiving two pieces of information from a content provider and either passing one or both pieces of information to a recorder. Hollar does not teach or suggest information being generated by a legacy receiver, as presently claimed. The references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Claims 13 and 14 contain similar limitations. As a result, claims 1, 13 and 14 are fully patentable and the rejection should be withdrawn.

Claim 1 also contains the limitation that the baseband video signal may comprise information used to program the transmodulator unit to convert the first encoded data signal to the second encoded data signal. Stewart is silent concerning a baseband video signal. Stewart is also silent concerning information used to program a transmodulator to convert a first

encoded data signal to a second encoded data signal, as presently claimed. Nazarathy does not cure the deficiencies of Stewart. At best, Nazarathy appears to describe transferring timing data to synchronize communications. Nazarathy is silent concerning a baseband video signal that contains information used to program a transmodulator unit to convert a first encoded data signal to a second encoded data signal, as presently claimed. Hoarty does not cure the deficiencies of Stewart and Nazarathy. At best, Hoarty, teaches embedding information in preexisting channels. Hoarty is silent concerning a baseband video signal that comprises information used to program a transmodulator unit to convert a first encoded data signal to a second encoded data signal, as presently claimed.

Hollar does not cure the deficiencies of Stewart, Nazarathy, and Hoarty. At best, Hollar appears to teach data being received by a set top box from a content provider and a flag being set to allow or disallow recording of the data. Hollar does not teach or suggest using information received from a legacy receiver to program a transmodulator to convert a first encoded data signal to a second encoded data signal, as presently claimed. The only signal which appears to be output from the set top box is the analog signal sent to the recorder (see FIGS. 1A, 1C, 1D, 4, 6A, 6B, and 7 of Hollar). The analog signal output from the set top box of Hollar does not appear to be a baseband signal comprising

information to program a transmodulator to convert an first encoded data signal to a second encoded data signal, as presently claimed. Therefore, Hollar does not teach or suggest using information generated by a legacy receiver to program a transmodulator to convert the first encoded data signal to the second encoded data signal, as presently claimed. Therefore, the references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Claims 13 and 14 contain similar limitations. As a result, claims 1, 13 and 14 are fully patentable and the rejection should be withdrawn.

Claim 13 provides that a baseband video signal may comprise programming information embedded in at least one of a vertical blanking interval and a chroma portion of the baseband video signal, wherein the programming information is generated by a legacy receiver. Claim 13 also indicates that the transmodulator unit converts a first encoded signal that is not compliant with a legacy receiver to a second encoded signal that is compliant with the legacy receiver in response to both the first encoded data signal and the embedded programming information. Hollar is silent concerning programming information generated by the legacy receiver, as presently claimed. At best, Hollar appears to teach data being received by a set top box from a content provider and a flag being set to allow or disallow recording of the data. Hollar does not appear to teach the legacy receiver generating programming

information, as presently claimed. Hollar also does not appear to teach a transmodulator converting a first encoded data signal that is not compliant with a legacy receiver to a second encoded data signal that is compliant with a legacy receiver in response to both the first encoded data signal and the programming information embedded in the baseband video signal, as presently claimed.

Hoarty does not cure the deficiencies of Hollar. Hoarty does not appear to teach or suggest a legacy receiver that generates programming information, as presently claimed. Hoarty also does not appear to teach or suggest a transmodulator converting a first encoded data signal that is not compliant with a legacy receiver to a second encoded data signal that is compliant with a legacy receiver in response to both the first encoded data signal and the programming information embedded in the baseband video signal, as presently claimed. At best, Hoarty appears to embed additional channel information in existing channels. The additional channel information of Hoarty does not appear to be programming information generated by a legacy receiver to control a transmodulator to convert a first encoded data signal that is not compliant with a legacy receiver to a second encoded data signal that is compliant with a legacy receiver in response to both the first encoded data signal and the programming information embedded in the baseband video signal, as presently claimed. As a result, the references, alone or in combination, do not teach or suggest

each of the limitations of claim 13. As such claim 13 is fully patentable and the rejection should be withdrawn.

Claims 2-12, 15-23 depend, directly or indirectly, from the independent claims, which are now believed to be allowable.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

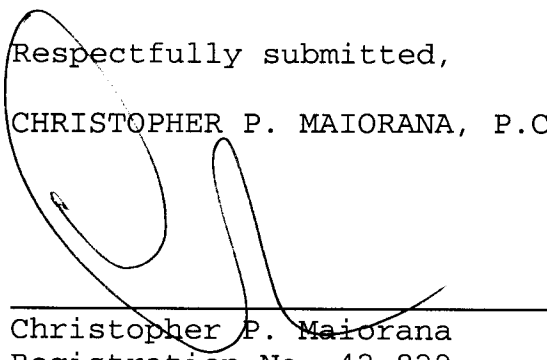
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 50-0541.

Respectfully submitted,

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c/o Pete Scott
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